

SECOND REGULAR SESSION

HOUSE BILL NO. 2080

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BRITT, RICHARDSON AND MERIDETH (Co-sponsors).

Read 1<sup>st</sup> time February 28, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4870L.02I

AN ACT

To repeal sections 56.363 and 56.807, RSMo, and to enact in lieu thereof two new sections relating to retirement benefits for prosecutors.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 56.363 and 56.807, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 56.363 and 56.807, to read as follows:

56.363. 1. The county commission of any county may on its own motion and shall upon the petition of ten percent of the total number of people who voted in the previous general election in the county submit to the voters at a general or special election the proposition of making the county prosecutor a full-time position. The commission shall cause notice of the election to be published in a newspaper published within the county, or if no newspaper is published within the county, in a newspaper published in an adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten days and not more than thirty days before the day of the election, and by posting printed notices thereof at three of the most public places in each township in the county. The proposition shall be put before the voters substantially in the following form:

Shall the office of prosecuting attorney be made a full-time position in ..... County?

Q Yes                      Q No

If a majority of the voters voting on the proposition vote in favor of making the county prosecutor a full-time position, it shall become effective upon the date that the prosecutor who is elected at the next election subsequent to the passage of such proposal is sworn into office.

2. The provisions of subsection 1 of this section notwithstanding, in any county where the proposition of making the county prosecutor a full-time position was submitted to the voters

19 at a general election in 1998 and where a majority of the voters voting on the proposition voted  
20 in favor of making the county prosecutor a full-time position, the proposition shall become  
21 effective on May 1, 1999. Any prosecuting attorney whose position becomes full time on May  
22 1, 1999, under the provisions of this subsection shall have the additional duty of providing not  
23 less than three hours of continuing education to peace officers in the county served by the  
24 prosecuting attorney in each year of the term beginning January 1, 1999.

25 **3. In counties that, prior to August 28, 2001, have elected pursuant to this section**  
26 **to make the position of prosecuting attorney a full-time position, the county commission**  
27 **may at any time elect to have that position also qualify for the retirement benefit available**  
28 **for a full-time prosecutor of a county of the first classification. Such election shall be made**  
29 **by a majority vote of the county commission and once made shall be irrevocable. When**  
30 **such an election is made, the results shall be transmitted to the Missouri prosecuting**  
31 **attorneys and circuit attorneys' retirement system fund, and the election shall be effective**  
32 **on the first day of January following such election. Such election shall also obligate the**  
33 **county to pay into the Missouri prosecuting attorneys and circuit attorneys' system**  
34 **retirement fund the same retirement contributions for full-time prosecutors as are paid by**  
35 **counties of the first classification.**

36 **4. When a county commission elects to qualify a prosecutor for benefits pursuant**  
37 **to subsection 3 of this section, the commission may also elect to pay such a prosecutor**  
38 **retroactive benefits for all years prior to August 28, 2001, that the prosecutor served as a**  
39 **full-time prosecutor without commensurate retirement benefits. Such election shall be**  
40 **made by a majority vote of the county commission and once made shall be irrevocable.**

41 56.807. 1. The funds for prosecuting attorneys and circuit attorneys provided for in  
42 subsection 2 of this section shall be paid from county or city funds.

43 2. Beginning thirty days after the establishment of this system and monthly thereafter,  
44 each county treasurer shall pay to the system the following amounts to be drawn from the general  
45 revenues of the county:

46 (1) For counties of the third and fourth classification except as provided in subdivision  
47 (3) of this subsection, three hundred seventy-five dollars;

48 (2) For counties of the second classification, five hundred forty-one dollars and  
49 sixty-seven cents;

50 (3) For counties of the first classification, counties which pursuant to section 56.363  
51 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, **or**  
52 **whose county commission has elected a full-time retirement benefit pursuant to subsection**  
53 **3 of section 56.363**, and the city of St. Louis, one thousand two hundred ninety-one dollars and  
54 sixty-seven cents.

55           3. The county treasurer shall at least monthly transmit the sums specified in subsection  
56 2 of this section to the Missouri office of prosecution services for deposit to the credit of the  
57 "Missouri Prosecuting Attorneys and Circuit Attorneys' Retirement System Fund", which is  
58 hereby created. All moneys held by the state treasurer on behalf of the system shall be paid to  
59 the system within ninety days after August 28, 1993. Moneys in the Missouri prosecuting  
60 attorneys and circuit attorneys' retirement system fund shall be used only for the purposes  
61 provided in sections 56.800 to 56.840 and for no other purpose.

62           4. The board may accept gifts, donations, grants and bequests from private or public  
63 sources to the Missouri prosecuting attorneys and circuit attorneys' retirement system fund.

64           5. No state moneys shall be used to fund section 56.700 and sections 56.800 to 56.840  
65 unless provided for by law.